IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Crl.Rev.Pet.No. 480 of 2007()

CRA.26/2006 of SESSIONS COURT, KOZHIKOE
CC.1/2001 of JUDL. MAGISTRATE OF FIRST CLASS, KUNNAMANGALAM

REVN. PETITIONER: APPELLANT/1ST ACCUSED

RAJAN, S/O. SANKARAN, AGED 40 YEARS,
KORAKKAMBALATH VEEDU,
MUNDIKKAL THAZHAM, CHELAVOOR.

BY ADV. SRI.K.B.GANGESH

RESPONDENTS: STATE AND DEFACTO COMPLAINANT

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1. PUSHPA K., D/O. RAMAN, AGED 40 YEARS,
KORAKKAMBALATH, P.O.KOTTAMPARAMBA,
MUNDIKKAL THAZHAM, KOZHIKODE.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.JIJO PAUL R1
BY PUBLIC PROSECUTOR SHRI KAMMAPPU R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 480 OF 2007

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Dated this the 5th day of February, 2007

O R D E R

Heard. Admitted. Advocate Shri Jijo Paul took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 494 read with 34 IPC in C.C. No.1 of 2001 on the file of the Judicial First Class Magistrate, Kunnamangalam. Conviction and sentence were confirmed by the learned Sessions Judge, Kozhikode in Crl. Appeal No.26 of 2006. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1415 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed.

Conviction and sentence imposed on the revision petitioner under Section 494 read with 34 IPC are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007